

## REMARKS

This paper is responsive to the Office Action mailed August 10, 2005. In the Office Action, the United States Patent and Trademark Office (hereinafter "the Office") rejected Claims 1-34 under 35 U.S.C. § 102(e) as being anticipated in view of the teachings of U.S. Patent Publication No. 2001/0050920 (hereinafter "Hassell et al."). Without admitting to the propriety of the rejections, applicant has amended Claims 1, 11, 15, 18, 28, and 33 to clarify the embodiments of the claimed invention. Prior to discussing in detail why applicant believes that all of the claims in this application are allowable, a brief description of the claimed invention and brief descriptions of the teachings of the cited and applied references are provided. These descriptions are provided to help the Office better appreciate important claim distinctions discussed thereafter.

### Background

Typical interactive television systems leave the interactive experience under the exclusive control of content providers. The cable service provider or multiple system operator has limited opportunity to customize or enhance that experience for the viewer. Because the content providers are typically the parties that provide and insert the trigger information into the television signals, the multiple system operator or the cable service provider is often reduced to simply relaying the television signals to viewers without any modification or customization.

Due to the embedded nature of interactive trigger information, only the set-top box has the capability to access and process the trigger information in order to provide an interactive experience for the viewer. It is inconvenient to viewers that wish to view the information and/or otherwise have an interactive experience via use of ancillary devices other than the set-top box and television. These ancillary devices can include a personal computer, a hand-held display

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device, companion set-top boxes, or other client terminals different from the set-top box. Ancillary devices that are connected to the Internet, through a cable modem, for instance, cannot process the trigger information unless they have the same hardware and software as set-top boxes that can detect and process the trigger information. This limits the interactive experience of users to legacy devices.

### The Present Application

In accordance with one aspect of the claimed invention, a method form of the invention comprises sending one or more television signals, including trigger information related to content of the television signals, to a first client terminal via a first channel of a communication network. The method further comprises aggregating at least some of the trigger information related to the content of the sent television signals. Further, the method comprises sending at least some of the aggregated trigger information separate from the content of the television signals to a second client terminal via a second channel of the communication network. There are many other aspects of the claimed invention not mentioned here for brevity purposes.

### Summary of Hassell et al.

The system of Hassell et al. is directed to provide rate controlled insertion of asynchronous data into a synchronous stream in a broadcast system. Specifically, Hassell et al. describes that a content aggregation unit stores metadata to be inserted into a primary stream. A primary stream comprises non-enhanced program content, such as movies, sitcoms, advertising, and sports programs, for example. Metadata stored in a content aggregation unit may be stored as individual assets, while each asset corresponds to a specific insertion point in the primary

stream. The asset may include code and data required to trigger and present an event on a receiver. The content aggregation unit may comprise a server and database containing metadata.

Metadata is transferred from the content aggregation unit to an insertion controller. The primary stream is provided through an input of the insertion controller. The insertion controller adds metadata to the primary stream from the content aggregation unit. The insertion controller may comprise a vertical blanking interval insertion unit.

An enhanced broadcast stream comprising primary stream content and metadata is broadcast from the insertion controller to a receiver. The broadcast may employ cable, satellite, terrestrial, Internet, or other broadcast methods. The receiver may be a set-top box, personal computer, enhanced television, or other device capable of receiving a television broadcast signal and metadata. The receiver is coupled to a data cache, an input device, and a display device. The data cache may be employed to store metadata and primary content to produce an enhanced program stream that is output to the display device. The data cache may comprise memory devices, such as RAM or a hard drive in a set-top box or a personal computer, for example. The input device may be a remote control, a mouse, a keyboard, or other device for user input. The display device may be a television monitor, computer monitor, or other display device, such as a CRT projector, for example.

### The Claims Distinguished

The Office has failed to show, and applicant is unable to find, where any of the cited and applied references, either alone or in combination, disclose the subject matter of the claimed invention. For example, none of the cited and applied references teaches "sending at least some of the aggregated trigger information separate from the content of the television signals to a second client terminal via a second channel of the communication network," as recited in

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Claims 1, 11, 15, 18, 28, and 33, albeit in different manners. As shown by Hassell et al. at Figure 1 and described at paragraph [0027], the metadata to be inserted into a primary stream is stored in a content aggregation unit 100. The primary stream, as defined by Hassell et al., comprises non-enhanced program content, such as movies, sitcoms, advertising, and sports programs. After insertion of the metadata into the primary stream by an insertion controller 102, an enhanced broadcast stream is produced (comprising primary stream content and metadata) and the enhanced broadcast stream is then broadcasted from the insertion controller 102 to a receiver 104, which includes a set-top box, personal computer, enhanced television, or other device capable of receiving a television broadcast signal and metadata. In other words, Hassell et al. sends a television signal that intertwines both primary stream content and metadata.

In contrast, as recited above, the claimed invention sends at least some of the aggregated trigger information separate from the content of the television signals to a second client terminal via a second channel of the communication network. Hassell et al. does not do this. Hassell et al. inserts metadata into the primary stream to produce the enhanced broadcast stream, which is then sent to a receiver. Hassell et al. does not send the metadata separate from the primary stream to the receiver.

None of the cited and applied references teaches "sending one or more television signals, including trigger information related to content of the television signals, to a first client terminal via a first channel of a communication network; aggregating at least some of the trigger information related to the content of the sent television signals, wherein aggregation of the trigger information includes: . . ." as recited in Claims 25 and 31, albeit in different manners. Whereas applicant's claimed invention aggregates the trigger information after the sending of one or more television signals, the system of Hassell et al. does not aggregate trigger information

from one or more television signals that include trigger information. Paragraphs [0027] and [0028] explain this clearly.

According to Hassell et al., there is a difference between a non-enhanced program content and an enhanced broadcast stream. The difference is whether metadata is present. The enhanced broadcast stream includes both the primary stream content and metadata, which are broadcast from the insertion controller to the receiver. As explained in paragraph [0027], a primary stream consists of only non-enhanced program content. Only when the metadata stored in the content aggregation unit of Hassell et al. is inserted into the primary stream, the enhanced broadcast stream is then produced. This enhanced broadcast stream is then broadcasted to the receiver in the system of Hassell et al.

In contrast, the claimed invention relies on one or more television signals, which include trigger information related to content of the television signals. The claimed invention then aggregates at least some of the trigger information related to the content of the sent television signals, as recited in Claims 25 and 31. Hassell et al. fails to do this. And as specified by M.P.E.P. Section 2131.01, "the identical invention must be shown in as complete detail as is contained in the . . . claim," citing favorably *Richardson v. Suzuki Motor Company*, 868 F.2d 1226, 1236; 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Given that the Hassell et al. does not disclose the identical invention, Hassell et al. cannot teach or suggest the claimed invention.

Because the Office has failed to state a *prima facie* case of anticipation, the rejection should be withdrawn. Independent Claims 1, 11, 15, 18, 25, 28, 31, and 33 are clearly patentably distinguishable over the cited and applied references. Claims 2-10, 12-14, 16-17, 19-24, 26-27, 29-30, 32, and 34 are allowable because they depend from allowable independent claims and

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because of the additional limitations added by those claims. Consequently, reconsideration and allowance of Claims 1-34 is respectfully requested.

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